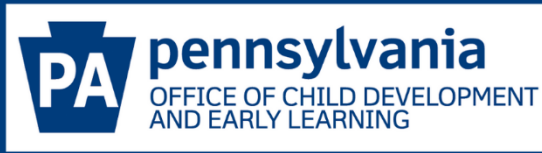


# Announcement C-24-02



Pennsylvania Office of Child Development and Early Learning  
Bureau of Certification Services and Bureau of Early Learning Policy and  
Professional Development

**Issue Date:** 09/03/2024

**Effective Date:** 10/01/2024

**Subject:** The Handling, Storage, and Disposal of Hazardous Materials and  
Biological Contaminants

**To:** All DHS certified, school-age programs providing care exclusively to  
school-age children  
Early Learning Resource Centers  
OCDEL Bureau of Certification Services staff

**From:**

Shanté A. Brown   
Deputy Secretary, Office of Child Development & Early Learning

## PURPOSE

The purpose of this announcement is to issue updated policy on federal requirements administered by the U.S. Department of Human Services, Office of Child Care (OCC) and its requirement for all school-age programs providing care exclusively to school-age children certified by the Department of Human Services (DHS) under 55 Pa. Code Chapters 3270 and 3280 to follow certain guidelines pertaining to the handling, storage, and disposal of hazardous materials and biological contaminants.

## BACKGROUND

The Code of Federal Regulations Title 45 § 98.41(a)(1)(viii), requires lead agencies to issue policy and regulation regarding requirements for the handling, storage, and disposal of hazardous materials and biological contaminants, that are designed, implemented, and enforced to protect the health and safety of children.

Child care regulations under 55 Pa. Code Chapters 3270, 3280 and 3290 address the federal requirements for the handling, storage, and disposal of hazardous materials and biological contaminants. However, 55 Pa Code § 3270.241(b) and 55 Pa Code § 3280.221(b), limit the regulations applicable to school-age programs providing care exclusively to school-age children. This announcement addresses the requirements for school-age programs providing care exclusively to school-age children, to be compliant with all federal and state regulations.

## DISCUSSION

All DHS certified child care programs providing care exclusively to school-age children must maintain compliance with the requirements for the handling, storage, and disposal of hazardous material and biological contaminants in accordance with 45 CFR § 98.41(a)(1)(viii).

**All DHS certified child care programs providing care exclusively to school-age children shall ensure:**

- Cleaning and other toxic materials are:
  - Kept in an area or container that is locked or made inaccessible to children.
  - Stored in an original labeled container or in a container that specifies the content.
  - Stored away from food, food preparation areas and child care spaces
  - Used in a way that does not contaminate play surfaces, food, food preparation areas and does not constitute a hazard to the children.
- Trash is removed from the facility at least once per day, and from the facility grounds at least once per week.
- Trash that has been contaminated by human secretions or excrement is contained in a closed, plastic-lined receptacle.

**Note:** School-age child care and group programs located in school buildings are to meet these requirements within the areas of the building they occupy. The School-age child care and group programs located in school buildings can provide a written agreement between the school and child care program's legal entity documenting the school's process for the disposal of hazardous materials and biological contaminants if the child care program's facility is unable to meet the above requirement due to the school's daily operations. This document shall remain on file at the child care program's facility.

### **OCDEL – Bureau of Certification staff shall:**

Verify at inspection that the facility is in compliance with the handling, storage, and disposal of hazardous materials and biological contaminants.

Verified non-compliance by OCDEL will result in a citation of 55 Pa. Code §§ 3270.14, 3270.21, 3280.14, and 3280.20 relating to pertinent laws and regulations and general health and safety, and/or 55 Pa. Code §§ 3270.67 or 3280.67, relating to sanitation.

**See [Appendix](#)** - School-age Child Care Center and Group Child Care Programs Located in a School Building and School – Age Child Care Center and Group Child Care Programs Not Located in a School Building

CCDF Health and Safety Requirements Brief # 7: [Handling, Storing, and Disposing of Hazardous Materials and Biological Contaminants](#)

Caring for Our Children Basics: [Health and Safety Foundation for Early Care and Education](#)

Caring for Our Children: [National Health and Safety Performance Standards: Guidelines for Early Care and Education Programs, CFOC Standard Outline.](#)

## NEXT STEPS

1. OCDEL Bureau of Certification staff and DHS certified school-age program directors, providing care exclusively to school-age children, read this announcement and share with appropriate staff.
2. All certified school-age programs providing care exclusively to school-age children should review facility policies and procedures to assure they align with the child care regulations regarding the handling, storage and disposal of hazardous materials and biological contaminants.
3. Direct all questions and comments to your Regional Office of Child Development and Early Learning:

<b>Certification Regional Office of Child Development and Early Learning</b>
Central Region 800-222-2117
Northeast Region 800-222-2108
Southeast North and Southeast South Region 800-346-2929
Western Region 800-222-2149

APPENDIX – School-age Child Care Center and Group Child Care Programs Located in a School Building and School – Age Child Care Center and Group Child Care Programs Not Located in a School Building

Regulation	REGULATION LANGUAGE	MEASUREMENT OF COMPLIANCE
School-Age Child Care Center Programs in a School Building § 3270.14/§ 3270.21*	Cleaning and other toxic materials shall be kept in an area or container that is locked or made inaccessible to children.	The Certification Representative (CR) will verify that the facility keeps cleaning and other toxic materials in a locked area or in a locked container or is made inaccessible to children.
School-Age Group Child Care Programs in a School Building § 3280.14/§ 3280.20*	Cleaning and other toxic materials shall be stored in an original labeled container or in a container that specifies the content.	The CR will verify that cleaning and other toxic materials are stored in the original labeled container or a container that specifies the content.
School-Age Child Care Center Programs not located in a school building § 3270.14/§ 3270.21	Toxics shall be stored away from food, food preparation areas and child care spaces.	The CR will verify that toxics are stored away from food, food preparation areas and child care spaces.
School-Age Group Child Care Programs not in a school building § 3280.14/§ 3280.20	Cleaning and other toxic materials shall be used in a way that does not contaminate play surfaces, food, food preparation areas and does not constitute a hazard to the children.	The CR will verify that cleaning and other toxic materials are used in a way that does not contaminate play surfaces, food, food preparation areas and does not constitute a hazard to the children.
School-Age Child Care Center Programs not in a school building § 3270.67	Trash shall be removed from the facility at least once per day.	The CR will verify that trash has been contaminated by human secretions or excrement is contained in a closed, plastic-lined receptacle.
School-Age Group Child Care Programs not in a school building § 3280.67	Trash shall be removed from the facility grounds at least once per week.	*The CR will verify that the facility removes trash from the facility at least once per day.
	Trash that has been contaminated by human secretions or excrement shall be contained in closed, plastic-lined receptacles.	*The CR will verify that trash is removed from the grounds/premises at least once per week.
		*If applicable: CR will review a written agreement between the school and the child care program's legal entity documenting the school's process for the disposal of hazardous materials and biological contaminants if the child care program's facility is unable to meet requirement due to the school's daily operations. This document shall remain on file at the child care program's facility.